

**MEMO ENDORSED**

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May 1, 2020

**VIA ECF**

Hon. Valerie E. Caproni  
United States District Judge  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: Orellana et al. v. Real Innovative  
Construction, LLC et al.,  
No. 1:18-cv-08396-VEC

Dear Judge Caproni:

I write to provide a status update with regard to the settlement between defendants ECI Contracting, LLC, Kieran Keaveney, and T.B.C Group Ltd. (collectively the “Settling Defendants”) and plaintiffs Keny Orellana, Nestor Reyes, Rene I. Ayala, Alberto Ramon Morales Pombo, Carlos M. Morocho, Luis Zaruma, Maximino Flores and Jhojam Armando Fierro Medina (collectively the “74th Street Plaintiffs”), and to request, on behalf of Real Innovative Construction, LLC, Andy Garcia, and Carlos Morales (collectively the “Real Innovative Construction Defendants”), an adjournment of the conference scheduled for May 8, 2020, at 10:00 a.m.

Counsel for the Settling Defendants and the 74th Street Plaintiffs are still in the process of finalizing the terms of the written settlement agreement. The process has been delayed due to the logistical difficulties caused by COVID-19, as well as issues around the tax treatment of the payments under the settlement agreement. The Settling Defendants and the 74th Street Plaintiffs will continue to work diligently to finalize the settlement so that it may be submitted with a *Cheeks* letter for Court approval. The parties expect to have a finalized agreement within the next 30 days.

As the Settling Defendants and the 74th Street Plaintiffs will not be filing the settlement agreement and *Cheeks* letter by today, a conference will be held on May 8, 2020, at 10:00 a.m., pursuant to the Court’s March 31, 2020 Order. The Real Innovative Construction Defendants respectfully request an adjournment of the conference date. The reason for this request is that

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Chaya Gourarie, counsel for the Real Innovative Construction Defendants, has a virtual mediation with JAMS scheduled for May 8, 2020. All parties consent to this request. This is the second request for adjournment of this conference. On March 30, 2020, the Settling Defendants and Plaintiffs requested an adjournment of the conference. The parties are available for a conference on May 14, May 22, and June 12, 2020.

Thank you for your consideration in this matter.

Respectfully submitted,



Thomas J. Lamadrid

cc: All counsel (via ECF)

Application GRANTED. The parties' consent form, letter or stipulation is due no later than **June 4, 2020**. If none is filed by then, the Court will hold a conference on **June 12, 2020, at 10:00 a.m.** The conference scheduled for May 8, 2020, is canceled.

SO ORDERED.



5/4/2020

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE